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DISTRICT OF UTAH  
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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

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FARMLAND MUTUAL INSURANCE  
COMPANY, and JESSE JOHNSON,

Plaintiffs,

v.

UNION PACIFIC RAILROAD, PANDROL,  
JACKSON & HARCO COMPANY, and  
JOHN DOES I-X,

Defendants.

**NOTICE OF REMOVAL TO  
FEDERAL COURT**

Case No. 2 02CV-0604TC

Judge \_\_\_\_\_

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Defendants Pandrol Jackson, Inc. and Harsco Corporation, erroneously sued as Pandrol, Jackson & Harco Company, through counsel, petition for removal of the above-entitled action to the court of original jurisdiction, pursuant to Title 28 sections 1332(a), 1441(a), and 1446 United States Code Annotated. Defendants' petition is based on the following:

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1. Defendants' assertion of the Federal Court's original jurisdiction is based upon the existence of diversity jurisdiction in the above-entitled matter. As set forth in the Complaint, attached hereto as Exhibit "A", plaintiff Jesse Johnson is a Utah resident, and plaintiff Farmland Mutual Insurance Co., whose claims are based on its status as Mr. Johnson's insurer, is an insurance company doing business in Utah.

2. Defendant Union Pacific Railroad is a Delaware Corporation with its principal place of business in Omaha, Nebraska.

3. Defendant Harsco Corporation is a Delaware corporation with its principal place of business in Pennsylvania. Defendant Pandrol Jackson, Inc. was incorporated under the laws of England.

4. The amount in controversy exceeds \$75,000.00. On its face, the Complaint alleges that plaintiffs are seeking recovery of \$156,597.30 in property damage for the loss of the tractor trailer, as well as other damages.

Based on the above, removal of this matter is proper due to the original jurisdiction of the Federal District Court on the basis of the diversity of citizenship of the parties and a controverted amount in excess of the \$75,000.00 jurisdictional amount.

DATED this 18<sup>th</sup> day of June, 2002.

STRONG & HANNI

By: 

Stephen J. Trayner

H. Scott Jacobson

Attorneys for Defendants Pandrol  
Jackson, Inc. and Harsco Corp.

## CERTIFICATE OF SERVICE

I hereby certify that on this 19 day of June, 2002, a true and correct copy of the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT** was served by the method indicated below to the following:

Douglas G. Mortensen, Esq.  
Frank J. Falk, Esq.  
MATHESON, MORTENSEN, OLSEN &  
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648 East 100 South  
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Attorneys for Plaintiffs

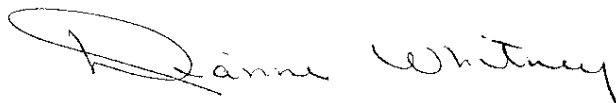
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☐ Facsimile

Jeffery J. Devashrayee, Esq.  
Union Pacific Railroad Co.  
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Clerk of the Court  
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Dianne Whitney

Exhibits/  
Attachments  
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Please see the  
case file.